

### **Remarks**

In view of the above amendments and the following remarks, reconsideration of the rejection and further examination are requested.

The abstract has been reviewed and revised to make a number of editorial revisions thereto. No new matter has been added. A clean copy of the revised abstract is submitted herewith.

Claims 1-18 have been rejected under 35 U.S.C. §102(e) as being anticipated by Peinado (US 6,772,340).

Claims 1-18 have been cancelled without prejudice or disclaimer to the subject matter contained therein. Further, new claims 19-37 have been added.

It is submitted that the above-mentioned rejection is inapplicable to the new claims for the following reasons.

Claim 19 is patentable over Peinado because claim 19 recites a playback terminal including, in part: a content read unit operable to read encrypted content from a portable medium, the encrypted content being data generated by encrypting the content so that one of (a) medium information pre-stored on the portable medium and (b) rights information managed by an external license server is required for decrypting the encrypted content, the rights information including usage rights for the content; a decryption method judgment unit operable to judge whether or not the rights information is required for decrypting the encrypted content; and a decryption unit operable to decrypt the encrypted content using the medium information and without using the rights information when it is judged that the rights information is not required, and decrypt the encrypted content using the rights information when it is judged that the rights information is required. Peinado fails to disclose or suggest the decryption method judgment unit and the decryption unit as recited in claim 19.

Peinado discloses an authoring tool 18 that produces several copies of digital content packages 12p containing the same digital content 12 for distribution. Each of the digital content packages 12p has a different encryption/decryption key. Peinado also discloses a computing device 14 that is able to replay the digital content 12 upon receipt of one of the digital content packages 12p. The computing device 14 includes a DRM system 32 having black box 30 that performs the encryption/decryption functions, a license store 38 that stores licenses 16, and a

license evaluator 36 that determines whether a license 16 is valid. (See column 7, lines 14-56; column 15, line 21 – column 16, line 28; and Figures 2 and 4).

When the DRM system 32 is requested by a user to render the digital content 12 from a received digital content package 12p, the license evaluator 36 determines whether a valid license 16 is stored in the license store 38. If one or more valid licenses 16 are found in the license store 38, the license evaluator 36 then determines whether one of the found licenses 16 gives the user the right to render the digital content 12 in the manner in which the user desires. If the license evaluator 36 cannot find a valid license 16 or a valid license 16 that allows for the desired rendering of the digital content 12 in the license store 38, the DRM system 32 can acquire an appropriate license 16 by accessing a remotely located license server 24 and storing the acquired license 16 in the license store 38. Once an appropriate license 16 has been acquired by the DRM system 32 or is found in the license store 38, the black box 30 decrypts the digital content package 12p based on the license 16 and the digital content 12 is rendered as requested by the user. (See column 16, line 66 – column 21, line 62).

Based on the above discussion, the DRM system 32 of Peinado first determines whether or not the license store 38 contains a valid/appropriate license 16 for the digital content 12, and, if no valid/appropriate license 16 is found, the DRM system 32 then obtains a valid/appropriate license 16 from the remote license server 24. However, it is apparent that Peinado fails to disclose or suggest that the DRM system 32 judges whether or not rights information including usage rights for the digital content 12 is required for decrypting the digital content 12, and decrypts the encrypted digital content package 12p using medium information and without using the rights information when it is judged that the rights information is not required, and decrypts the encrypted digital content 12 using the rights information when it is judged that the rights information is required. The DRM system 32 of Peinado clearly operates in a different manner than the present invention as recited in claim 19. As a result, claim 19 is patentable over Peinado.

Regarding claim 28, it is patentable over Peinado for reasons similar to those discussed above in support of claim 19.

Claim 37 is also patentable over Peinado, since claim 37 recites a portable recording medium having storing thereon medium information, encrypted content that is data generated by encrypting content so that one of (a) the medium information and (b) rights information managed

by an external license server is required for decrypting the encrypted content, and information indicating whether or not the rights information is required for decrypting the encrypted content. Peinado fails to disclose or suggest the portable recording medium as recited in claim 37.

As discussed above, the DRM system 32 does not perform any judgment as to whether rights information is required for decrypting the encrypted digital content 12. Further, it is clear that there is no disclosure or suggestion in Peinado that information is stored on a portable recording medium with the encrypted digital content 12 indicating that rights information is required for decrypting the digital content 12. As a result, claim 37 is patentable over Peinado.


Because of the above-mentioned distinctions, it is believed clear that claims 19-37 are allowable over the reference relied upon in the rejection. Furthermore, it is submitted that the distinctions are such that a person having ordinary skill in the art at the time of invention would not have been motivated to make any combination of the references of record in such a manner as to result in, or otherwise render obvious, the present invention as recited in claims 19-37. Therefore, it is submitted that claims 19-37 are clearly allowable over the prior art of record.

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance. The Examiner is invited to contact the undersigned by telephone if it is felt that there are issues remaining which must be resolved before allowance of the application.

Respectfully submitted,

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